

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF )  
QUALITY CRAFT REPAIRING, )  
Appellant, )  
vs. )  
SPOKANE COUNTY AIR POLLUTION )  
CONTROL AUTHORITY, )  
Respondent. )

PCHB No. 70

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

This matter is the appeal of a \$50 civil penalty imposed by respondent for an alleged violation of Section 6.01 of Regulation I of respondent, the violation being the burning of wood crates at appellant's business, North 6320 Helena, Spokane, on October 14, 1971.

The matter came before the Pollution Control Hearings Board (Walt Woodward, hearing officer) in the Spokane County Courthouse Annex at 9:30 a.m., April 19, 1972. Appellant was represented by its manager, Norman R. Perron. Respondent was represented by its director, Fred A. Shiosaki. Transcript of the proceeding was prepared by Nora Fay Gasman,

Spokane court reporter.

Witnesses were sworn and testified. Exhibits were admitted.

On the basis of testimony heard and exhibits examined, the Pollution Control Hearings Board prepared Proposed Findings of Fact, Conclusions and Order which were submitted to the appellant and respondent on July 1, 1972. No objections or exceptions to the Proposed Findings, Conclusions and Order having been received, the Pollution Control Hearings Board makes and enters the following:

#### FINDINGS OF FACT

##### I.

During certain times of the year, the Spokane County Air Pollution Control Authority permits, after public notice, open burning of household gardening waste materials for specified, limited periods.

##### II.

It is the policy of the Spokane County Air Pollution Control Authority to invoke civil penalties after serving notices of violation for open burning of material not limited to gardening waste which occur during the permissive period for household fires. Some public misunderstanding apparently exists as to what may be burned during these permissive periods, although the Spokane County Air Pollution Control Authority attempts to make clear in its public notices that the burning must be limited to household gardening waste.

##### III.

During one of these permissive periods, on October 14, 1971, at its place of business in Spokane, North 6320 Helena, appellant burned wood crates in an open fire six feet in diameter and four feet high.

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

1 Appellant extinguished the fire when an official of respondent notified  
2 appellant that prohibited material was being burned.

3 IV.

4 Appellant was served with a notice of violation and a civil penalty  
5 of \$50 was imposed. This was one of seven similar notices of violation  
6 for burning prohibited materials issued by respondent during the  
7 October, 1971 permissive burning period. In each case, civil penalties  
8 in varying amounts were imposed, the amount of penalty in each case  
9 having a relation to the size of the fire.

10 V.

11 During the October, 1971 permissive period, one notice of violation,  
12 with no civil penalty invoked, was issued to the Spokane Park Department,  
13 but respondent viewed this as a warming fire, not as a waste disposal  
14 burning. The violation, in this instance, was for failure to have the  
15 warming fire in a container.

16 From these findings, the Pollution Control Hearings Board comes  
17 to these

18 CONCLUSIONS

19 I.

20 Appellant was in violation of Section 6.01 of Regulation I of  
21 respondent.

22 II.

23 The civil penalty, one-fifth of the allowable maximum penalty of  
24 \$250, was reasonable and was consistent with respondent's practice to  
25 levy civil penalties for all waste burning of prohibited materials  
26 during a period of permissive burning.

27 FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

1 III.

2 Respondent's practice of permitting the burning of certain waste  
3 materials and the banning of burning other waste materials is, at best,  
4 a situation lending itself to public misunderstanding and confusion.

5 Based on these findings and conclusions, the Pollution Control  
6 Hearings Board makes the following:

7 ORDER

8 The civil penalty of \$50 imposed by the respondent is sustained.  
9 Respondent is urged to increase its efforts to make clear that only  
10 household gardening waste materials may be burned during periods of  
11 permissive burning.

12 DONE at Olympia, Washington this 14th day of August, 1972

13 POLLUTION CONTROL HEARINGS BOARD

14 Matthew W. Hill  
15 MATTHEW W. HILL, Chairman

16 Walt Woodward  
17 WALT WOODWARD, Member

18 James T. Sheehy  
19 JAMES T. SHEEHY, Member